

### **Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 13, 16, 17, 20, 30, 34 and 35 have been amended. No claims have been cancelled. Therefore, claims 1-38 are present for examination.

### **35 U.S.C. §101 Rejection**

The Examiner has rejected claims 13-16 and 30-35 under 35 U.S.C. 101 as not directed to statutory subject matter. The claims are amended to refer to a tangible medium. The claims already recite that the data is stored on the medium. Applicants respectfully submit that a tangible medium that stores data does not describe a propagated signal wave that carries data.

### **Claim Objections**

Claims 16, 34 and 35 are objected to for various informalities. The claims are amended.

### **35 U.S.C. §102 Rejection**

#### *Landis*

The Examiner has rejected claims 1, 2, 12, 13, 17 and 20 under 35 U.S.C. §102(b) as being anticipated by Landis et al., U.S. Patent No. 5,561,461("Landis"). Landis uses repeated EDS signals from a single channel to approximate seconds without using seconds information in EDS.

Claim 1, for example, refers to “receiving a plurality of video signals,” sorting the received signals,” and “determining a time of day... by combining information from at least two signals.” None of this is shown in Landis. Accordingly, this rejection is, respectfully, traversed.

To render the claim still clearer, it is amended to recite that the video signals are “each from a different channel.”

Claims 13, 17, and 20 contain similar limitations, accordingly the rejections of these claims is also traversed on these same grounds. The remaining claims of claims 1-23 depend from one of claims 1, 13, 17, or 20 and are allowable therefore as well as for the additional limitations expressly set forth in each claim, respectively.

### **35 U.S.C. §102 Rejection**

#### *Shin*

The Examiner has rejected claims 24 - 38 under 35 U.S.C. §102(b) as being anticipated by Shin et al., U.S. Patent No. 6,169,580 (“Shin”). Shin shows a system for receiving signals from one or more different time zones and ensuring that the system clock reflects the appropriate time zone. A closer look at Shin reveals that the time difference in Shin is the difference between adjacent time zones. The signals that show large time differences are the ones that are received from a broadcaster in a nearby, but different time zone (e.g. Eastern standard time vs. Central standard time).

The Examiner has suggested that Shin shows “modifying time-of-day information in the video stream” citing Col. 4, lines 35-67. In the first part of this section (ending at line 51), the time data is adjusted in the microcomputer and the display timer to affect the

time displayed on the display unit. The second section describes when a Fig. 4 time adjusting operation is performed. This time adjustment relates only to the time stored in the “timer.” The time in the video stream is not affected.

In Shin, the time-of-day information is read or derived from the video stream, various operations are performed and then an adjusted time-of-day is stored in the “timer” or system clock. These operations do not change the time-of-day in the video stream. The video stream data is unaffected. However, in e.g. Claim 24, the time-of-day information “in the video stream” is modified. The result is that when the Claim 24 video stream is passed onto another decoder, the time-of-day that the decoder reads in the video stream will be different than what the first decoder read. This does not happen with Shin.

Claims 30, 33, and 36 contain similar limitations and are believed to be allowable on the grounds provided above with respect to Claim 24. The remaining claims from 25-38 are dependent and are believed to be allowable therefore as well as for the additional recitations expressly set forth in each claim, respectively.

### **35 U.S.C. §103 Rejection**

#### *Landis and Nishigaki*

The Examiner has rejected claims 3, 4, 6-9, 11, 14-16, 18, 19, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Landis in view of Nishigaki, U.S. Patent No. 5,812,209 (“Nashigaki”). Nishigaki shows the use of a pre-programmed list to find the channels that send teletext with time-of-day information. If the first channel on the list is not found, then the next channel on the list is tried.

Claim 1, however, refers to “sorting the received signals into a priority order based on ... those with a longer availability duration.” Nishigaki is not concerned with availability duration, but only availability. Nishigaki does not sort its list it just moves down from one channel to the next.

For some claims, the Examiner suggests that Nishigaki shows interpolating signals from two different channels to arrive at a time-of-day and that this interpolating renders the claimed averaging obvious. However, this is not what Nishigaki means by interpolating. Column 2, lines 56-58 explain that broadcasting station identifying codes are “interpolated in” television broadcasting signals. Interpolation is being used here to describe how data signals are added to video signals.

Claim 1, however recites that a time-of-day is determined “by combining information from at least two signals.” There is nothing in Nishigaki regarding combining two signals to determine a time-of-day.

### **35 U.S.C. §103 Rejection**

#### *Landis, Nishigaki and Duffield*

The Examiner has rejected claims 5, 10 and 22 under 35 U.S.C. §103(a) as being unpatentable over Landis, Nishigaki and in further view of Duffield et al., U.S. Patent No. 5,617,146 (“Duffield”): Duffield is not cited for and does not show the features discussed above in the context of Claim 1.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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